

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 7, 2009

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Snow called the meeting to order and noted the quorum and the attendance. Present were Vice Chairman Johnson, Commissioner Guthrie and Commissioner Sturtz. Superintendent Huskey was also in attendance

Marc Carmichael, Bonnie Lewis, John Barnett, Debbie Scott, Jim Purucker, Steve Badger and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes that were submitted for the March 17, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PAD FORMS – Vice Chairman Johnson moved to approve the parties agreed disposition forms that were submitted for the April 7, 2009 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the

inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Four hundred eighty-two (482) renewals approved, forty-two (42) new and/or transfer permits approved, ten (10) permits approved for catering, two (2) permits approved for first year escrow, four (4) permits approved for second year escrow, two (2) permits approved for third year escrow, one (1) permit approved for fourth year escrow and one (1) permit approved for fifth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Vice Chairman Johnson moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Guthrie and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

DL82-22233 AJLL, LLC, D/B/A WINESTYLES – Commissioner Guthrie moved to convert this permit from a type 116 to a type 115, due to annexation into the city limits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR71-25730 AND RR71-25725 MICHAEL A. SPITE – Commissioner Guthrie noted this is a new type 103 application and a new type 210-1 application with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board and approve the new permits. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL71-09936 RIDGE ENTERPRISES, LLC, D/B/A MIXERS – Commissioner Guthrie noted this is a type 217 transfer of ownership and location with the local board voting four (4) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfers. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL42-25691 CASEY'S MARKETING COMPANY – Commissioner Guthrie noted this is a new type 115 application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Vice Chairman Johnson and it was unanimously approved.

DL45-05531 SLOBODAN LAKICH – Commissioner Guthrie noted this is a transfer of ownership and location with the local board voting four (4) to zero (0) to approve the transfer of ownership and three (3) to one (1) to disapprove the transfer of location.

Commissioner Guthrie stated the local board found there was no need, or desire at the requested location for this permit.

Commissioner Guthrie moved to uphold the local board's recommendation and deny the transfer of location, but approve the transfer of ownership, with the proviso that if the applicant does not desire the permit unless it can be placed in the requested location, the Commission will work with him regarding the ownership. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **INACTIVE FILES**

DL45-02618 ECONOMY PACKAGE LIQUORS - Commissioner Guthrie moved to reactivate this permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

PERMITS REVOKED – Vice Chairman Johnson stated fourteen (42) permittees were a sent notice to appear before the Commission on this date, regarding the revocation of their permit. Forty-one (41) of the permittees did not appear at the meeting, and; therefore, Commissioner Guthrie moved to revoke those permits. Motion seconded by Commissioner Sturtz and it was unanimously approved.

One (1) permittee appeared regarding the revocation. Commissioner Guthrie moved to continue the revocation hearing for sixty (60) days for permit #RR67-23068. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **OLD BUSINESS**

SOUTHERN WINE & SPIRITS – Chairman Snow stated he has been working very hard to get up to speed regarding this matter and all matters of the ATC. He reviewed this file in its entirety.

Attorney Steve Badger appeared before the Commission to request a copy of the most recent filings regarding the application for Southern Wine & Spirits Wholesalers. Along with that request, Attorney Badger requested time to respond to that filing.

Superintendent Huskey requested the Commission allow Excise the same time to conduct a police investigation regarding this matter.

Commissioner Guthrie moved to allow Attorney Badger and Superintendent Huskey until May 12, 2009 to file any response to the filings of Southern Wine & Spirits and to table this matter until the May 19, 2009 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **NEW BUSINESS**

SPECIAL THANK YOU – Chairman Snow thanked the Commission for helping him during his first couple of weeks with the Agency. He also gave a special thank you to Superintendent Huskey for the job he did as interim chairman.

## **POLICY DETERMINATIONS**

No Policy Determinations

## **ANNOUNCEMENTS**

No announcements

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

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P. TOM SNOW, CHAIRMAN

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DAVID JOHNSON, VICE CHAIR

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER